

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

DEC 19 2002

OFFICE OF  
MANAGING DIRECTOR

Karen Hanson, Compliance Specialist  
Regulatory Department  
Broadwing Communications Services, Inc.  
1122 Capital of Texas Highway South  
Austin, Texas 78746

RE: Broadwing Communications Services. (BSCI); f/k/a  
IXC Communications Services, Inc. (IXC); Progress  
International, L.L.C. (Progress)  
Fee Control Number 9809158835564011

Dear Ms. Hanson:

This is in response to your request dated September 10, 2001<sup>1</sup> for advice whether IXC Communications Services, Inc. (IXC), its successor, Broadwing Communications Services, Inc. (Broadwing), and Progress International, L.L.C. (Progress) were required to file certain reports for 1998 and the years after, and whether IXC was required to pay the fiscal year (FY) 1998 International and Satellite Service Regulatory Fees.

In your letter, you inquire whether the three entities were required to submit FCC Section 43.82 Circuit Data Status Reports and FCC Section 63.23 International Private Line Reports<sup>2</sup> as they have done for the three years before the year 2001. Your inquiry was based on guidance offered from your regulatory consultants that the entities were exempt from filing the reports because the circuits did not cross international borders and all three entities are non-dominant carriers. Furthermore, you inquire whether IXC was also exempt from paying the FY 1998 International and Satellite Service Regulatory Fees. In that regard, and on the condition that you are right, you request the Commission refund \$35,784, the amount paid for the FY 1998 Regulatory Fee. For the reasons discussed below, you were not required to file the reports, and we will refund the FY 1998 Regulatory Fee.

Section 43.82(a) ~~of~~ the Commission's Rules<sup>3</sup> requires that:

Each facilities-based common carrier engaged in providing international telecommunications service between the area comprising the continental United States, Alaska, Hawaii, and off-shore U.S. points and **any country or point outside** that area shall file a circuit status report with the Chief, International Bureau, not later than March 31 each year showing the status **of** its circuits used to provide international services as of December 31 of the preceding calendar year.

<sup>1</sup> You renewed the request on August 28, 2002.

<sup>2</sup> We construe this reference in your letter to mean the compliance reports described in the *Public Notice*. International Section 214 Reporting Requirements Compliance Update, DA 97-2030, September 19, 1997.

<sup>3</sup> 47 CFR § 43.82. For your future reference, the instructions and reporting requirements prepared by the Chief, International Bureau may be found at <http://www.fcc.gov/ib/pd/pf/csmanual.html>.

Furthermore, § 63.23(e) (Oct 1, 1999) requires the specified companies to prepare and file annual reports.<sup>4</sup> Prior to the revision in 1999 of the published Code of Federal Regulations that incorporated subsection 63.23(e), reporting requirements were set out at § 63.15.<sup>5</sup>

During the time in question, IXC (and its successor, Broadwing) was a domestic private line provider reselling services that originated and terminated long distance within the United States, and it also resold service that extended to foreign countries. As a facilities based reseller, however, it did not provide international service under facilities-based services, but instead offered international service through a switchless arrangement of purchasing bulk minutes that were resold to end-use customers. Consequently, during the three years mentioned in your letter, IXC, as a domestic facility that did not maintain international circuit facilities, was not required to file the § 43.82 circuit status report. Moreover, IXC (Broadwing) did not offer service beyond the United States border, consequently, it was not an international service provider and it was not required to file the report under § 63.23. Finally, as to the matter of the fee, the Commission fee filing guide explained that facilities-based carriers, not resellers, were obligated to pay.<sup>6</sup>

Accordingly, we grant your request for a refund of \$35,764, and a check in that amount made payable to the maker of the original check will be sent to you. If you have any questions concerning this letter, you may call the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

 Mark A. Reger  
Chief Financial Officer

<sup>4</sup> 47 CFR § 63.23(e) provides: "Any party certified to provide international resold private lines to a particular geographic market shall report its circuit additions on an annual basis."

<sup>5</sup> 47 CFR § 63.15 (Oct 1, 1998) stated, in pertinent part:

Special procedures for international service providers.

(a) Any party seeking to construct, acquire or operate lines in any new major common carrier facility project or non-U.S. licensed satellite or cable system for the provision of international common carrier services shall file an application pursuant to Sec. 63.18(e)(6). \* \* \*

(b) Any non-dominant party certified to provide international resold private lines to a particular geographic market shall report its circuit additions on an annual basis. \* \* \*

<sup>6</sup> Public Notice (PN), FY 1998 International And Satellite Services Regulatory Fees, August 3, 1998, 1998 WL 436352 (F.C.C.) provides in pertinent part: "The following regulatees must pay fees in FY 1998: international public fixed licensees (Part 23), international (HF) broadcast licensees (Part 73), providers of international bearer circuits, earth station regulatees (Part 25), geostationary space station regulatees (Part 25) and direct broadcast satellite licensees (Part 100), and non-geostationary orbit satellite system licensees (formerly low earth orbit satellite systems) (Part 25)." Later in the PN, the following additional explanation is given: "WHO MUST PAY: Facilities-based common carriers activating international bearer circuits in any transmission facility for the provision of service to an end user or resale carrier. . . ."

9809158835564011



Communications Services Inc.  
1122 Capital of Texas Highway South  
Austin, Texas 78746

August 28, 2002

Fax Transmission

To: Regina Dorsey  
Company:  
Fax: 202-418-2980

From: Karen Hanson - Compliance Specialist  
Phone: 512-742-2647  
Fax: 512-328-7902  
E-mail: khanson@broadwing.com

Number of pages including cover: 11

RE: Refund- International & Satellite Regulatory Fee

Some of my correspondence was by telephone Mostly with Cynthia. until she gave me Claudette Pride's name and number sometime between March 8 and July 11, 2002

Please let me know if you need any other information. I appreciate so much your effort to help resolve this matter

Thanks, Karen



Communications Services Inc.  
1122 Capital of Texas Hwy South  
Austin, Texas 78746

September 10, 2001

Office of the Managing Director  
FCC - Regulatory Fee  
445 12<sup>th</sup> Street, S.W., Room 1-A625  
Washington, D. C. 20554

RE: Broadwing Communications Services Inc. (BSCI)  
f/k/a IXC Communications Services, Inc. (IXC)  
Progress International, L.L.C. (Progress)

Dear Sir/Madam:

Recently when going over reporting requirements with our regulatory consultants, we were advised that we had filed the 43.82 Circuit Data Status Report and 6323 International Private Line reports on the above companies unnecessarily for the past three years. It was pointed out, since their circuits do not cross the border and they are non-dominant carriers, we would be exempt from these reports.

I am writing to confirm the information provided by our consultants, that we are indeed exempt from these filings. In addition, in 1998 IXC sent a payment of \$35,784 for FY 1998 International and Satellite Service Regulatory Fees. If we are exempt from these fees, this payment was also made in error. Would this payment be refundable? Also, if exempt, should "zero" International Circuit Data Status Reports and "zero" International Private Line Reports be filed in the future or no report filed at all?

Thank you in advance for your consideration and reply. If you require further information, please advise.

Yours truly,

A handwritten signature in cursive script, reading "Karen Hanson". The signature is written in dark ink and is positioned above the typed name and title.

Karen Hanson, Compliance Specialist  
Regulatory Department  
512-742-2647 - Phone  
512-328-7902 - Fax

cc: FCC Secretary  
445 12<sup>th</sup> Street, S.W., Room TW B-204  
Washington, D.C. 20554

03/08/02 09:22 FAX

001/001

FEDERAL COMMUNICATIONS COMMISSION

APPROVED BY OMB 3060-0589

# REMITTANCE ADVICE (Continuation Sheet)

USE THIS SECTION ONLY FOR EACH ADDITIONAL APPLICANT

## SECTION BB - ADDITIONAL APPLICANT INFORMATION

(1) APPLICANT NAME (If paying by credit card, enter name exactly as it appears on your card)

IXC Communications Services, Inc f/k/a IXC Long Distance, Inc.

(2) STREET ADDRESS LINE NO. 1

1122 Capital of Texas Hwy So

(3) STREET ADDRESS LINE NO. 2

(7) CITY Austin	(10) STATE TX	(11) ZIP CODE 78734
--------------------	------------------	------------------------

(17) DAYTIME TELEPHONE NUMBER (include area code)

512-328-1112

(18) COUNTRY CODE (if not in U.S.A.)

IF MORE BOXES ARE NEEDED, USE ADDITIONAL FEES/ISS CONTINUATION SHEETS FOR EACH SERVICE

## SECTION CC - PAYMENT INFORMATION

(19) FCC CALL SIGN/OTHER ID	(20) PAYMENT TYPE CODE (PTC) C A M 8	(21) QUANTITY 0	(22) FEE DUE FOR (PTC) IN BLOCK 20A 0
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(23) FCC CODE 1

(24) FCC CODE 2

f/k/a IXC Long Distance, Inc.  
IXC Communications Services, Inc

(19) FCC CALL SIGN/OTHER ID

(20) PAYMENT TYPE CODE (PTC)

C R I 8

(21) QUANTITY

0

(22) FEE DUE FOR (PTC) IN BLOCK 20B

0

(23) FCC CODE 1

(24) FCC CODE 2

f/k/a IXC Long Distance, Inc.  
IXC Communications Services, Inc

(19) FCC CALL SIGN/OTHER ID

(20) PAYMENT TYPE CODE (PTC)

(21) QUANTITY

(22) FEE DUE FOR (PTC) IN BLOCK 20C

(23) FCC CODE 1

(24) FCC CODE 2

(19) FCC CALL SIGN/OTHER ID

(20) PAYMENT TYPE CODE (PTC)

(21) QUANTITY

(22) FEE DUE FOR (PTC) IN BLOCK 20D

(23) FCC CODE 1

(24) FCC CODE 2

## SECTION DD - TAXPAYER INFORMATION

(25) COMPLETE THIS BLOCK ONLY IF SECTION BB IS APPLICABLE

APPLICANT TIN

0

3/08/02 09:21 FAX

002

9/11/98

READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDINGFEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICE

APPROVED BY OMB 3060-0589

PAGE NO. 1 OF 2

(1) LOCKBOX #

## SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

IXC Long  
IXC Communications Services, Inc. f/k/a Distance, Inc.

(3) TOTAL AMOUNT PAID (dollars and cents)

35,784

(4) STREET ADDRESS LINE NO. 1

1122 Capital of Texas Hwy. So.

(5) STREET ADDRESS LINE NO. 2

(6) CITY

Austin

(7) STATE

TX

(8) ZIP CODE

78746

(9) DAYTIME TELEPHONE NUMBER (include area code)

512-328-1112

(10) COUNTRY CODE (if not in U.S.A.)

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B  
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

## SECTION B - APPLICANT INFORMATION

(11) APPLICANT NAME (if paying by credit card, enter name exactly as it appears on your card)

(12) STREET ADDRESS LINE NO. 1

(13) STREET ADDRESS LINE NO. 2

(14) CITY

(15) STATE

(16) ZIP CODE

(17) DAYTIME TELEPHONE NUMBER (include area code)

(18) COUNTRY CODE (if not in U.S.A.)

IF COMPLETE SECTIONS FOR EACH SERVICE, MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-C)

## SECTION C - PAYMENT INFORMATION

(19A) FCC CALL SIGN/OTHER ID

(19B) PAYMENT TYPE CODE (PTC)

C I C 8

(20A) QUANTITY

5964

(21A) FEE DUE FOR (PTC) IN BLOCK 20A

35,784

(22A) FCC CODE 1

(23A) FCC CODE 2

IXC Communications Services, Inc.

(19B) FCC CALL SIGN/OTHER ID

(19B) PAYMENT TYPE CODE (PTC)

C S G 8

(20A) QUANTITY

0

(21A) FEE DUE FOR (PTC) IN BLOCK 20A

0

(22A) FCC CODE 1

(23A) FCC CODE 2

IXC Communications Services, Inc.

(19B) FCC CALL SIGN/OTHER ID

(19B) PAYMENT TYPE CODE (PTC)

C L E 8

(20A) QUANTITY

0

(21A) FEE DUE FOR (PTC) IN BLOCK 20A

0

(22A) FCC CODE 1

(23A) FCC CODE 2

IXC Communications Services, Inc.

(19B) FCC CALL SIGN/OTHER ID

(19B) PAYMENT TYPE CODE (PTC)

C F R 8

(20A) QUANTITY

0

(21A) FEE DUE FOR (PTC) IN BLOCK 20A

0

(22A) FCC CODE 1

(23A) FCC CODE 2

IXC Communications Services, Inc.

## SECTION D - TAXPAYER INFORMATION (REQUIRED)

(24) PAYER TIN

0742724593

(25) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN 2-41 IS DIFFERENT FROM PAYER NAME IN 2-3

APPLICANT TIN

0

## SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT

I, Jeffrey C. Smith, SVP

(PRINT NAME)

Certify under penalty of perjury that the foregoing and supporting information

are true and correct to the best of my knowledge, information and belief.

SIGNATURE

## SECTION F - CREDIT CARD PAYMENT INFORMATION

(28)

MASTERCARD/OTHER ACCOUNT NUMBER

MASTERCARD

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD

(for the service(s) authorized in the service(s) herein described.)

AUTHORIZED SIGNATURE

DATE

SEE PUBLIC BURDEN ESTIMATE ON REVERSE

FCC FORM 159 JULY 1997 (REVISED)

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	1350	
CONNECTION TEL		12024162845
SUBADDRESS		
CONNECTION ID		
ST. TIME	01/23 12:30	
USAGE T	00'47	
PGS. SENT	2	
RESULT	OK	

**Broadwing**

Communications Services Inc.  
1122 Capital of Texas Highway South  
Austin, Texas 78746

January 23, 2002

**Fax Transmission**

To: Cynthia  
Company: FCC  
Fax: 202-418-2843

From: Karen Hanson - Compliance Specialist  
Phone: 512-340-2647  
Fax: 512-328-7902  
E-mail: khanson@broadwing.com

Number of pages including cover: 2

RE: IXC Communications Services Inc  
Name Change to Broadwing Communications Services

Please issue refund check in the name of Broadwing Communications Services Inc  
Mail to 1122 Capital of Texas Hwy So.  
Austin, TX 78746-6426

Attn: Karen Hanson, Regulatory Dept

Thanks.  
Karen

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO 1682  
CONNECTION TEL 12024182843  
SUBADDRESS  
CONNECTION ID  
ST. TIME 03/08 09:13  
USAGE T 01'17  
PGS. SENT 3  
RESULT OK



Communications Services Inc.  
1122 Capital of Texas Highway South  
Austin, Texas 78746

March 8, 2002

**Fax Transmission**

To: Cynthia  
Company: FCC  
Fax: 202-418-2843

From: Karen Hanson - Compliance Specialist  
Phone: 512-340-2647  
Fax: 512-328-7902  
E-mail: khanso@broadwmg.com

Number of pages including cover: 3

RE: Request for Refund

Here are the copies you requested. Let me know if you need anything else.

Thanks,  
Karen



## State of Delaware

PAGE 1

## Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "IXC LONG DISTANCE, INC.", CHANGING ITS NAME FROM "IXC LONG DISTANCE, INC." TO "IXC COMMUNICATIONS SERVICES, INC.", FILED IN THIS OFFICE ON THE SIXTEENTH DAY OF JUNE, A.D. 1998, AT 12 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



A handwritten signature in dark ink, appearing to read "Edward J. Freel".

Edward J. Freel, Secretary of State

AUTHENTICATION:

2435497 8100

DATE: 9141368

981232336

06-16-98

## State of Delaware

PAGE 1

## Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "IXC COMMUNICATIONS SERVICES, INC.", CHANGING ITS NAME FROM "IXC COMMUNICATIONS SERVICES, INC." TO "BROADWING COMMUNICATIONS SERVICES INC. FILED IN THIS OFFICE ON THE TWELFTH DAY OF NOVEMBER, A.D. 1999, AT 10 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



Edwa J. Freel Secretary of State

2435497 8100

991482544

AUTHENTICATION:

DATE:

0078548

11-12-99

# Payment Transaction Detail Report

Date: 0813012002

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9809158835564011	IXC COMMUNICATIONS SERVICES IN IXC LONG DISTANCE INC 1122 CAPITAL OF TEXAS H MSO AUSTIN TX 78746	FCC2060463		19/14/199800:00:00							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$35,784.00	\$35,784.00	1	CIC8	5964		IXC COMMUNICATIONS SERVICES IN	78746		\$35,784.00	1	PMT
Total		1							\$35,784.00		